

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANTHONY FRAZIER,

Petitioner,

v.

NEW JERSEY STATE PAROLE BOARD,

Respondent.

08-cv-3968 (WJM)

ORDER

THIS MATTER comes before the Court on Respondent's motion to file confidential documents under seal pursuant to Local Civ. R. 5.3(c); and this motion being unopposed; and the Court noting that Local Civ. R. 5.3(c)(2) requires that any motion to seal to describe: (1) the nature of the materials or proceedings at issue, (2) the legitimate private or public interests which warrant the relief sought, (3) the clearly defined and serious injury that would result if the relief sought is not granted, and (4) why a less restrictive alternative to the relief sought is not available; and Respondent seeking to file Petitioner's pre-sentence reports, Petitioner's psychological evaluations (dated August 27, 2001, April 10, 2002 and July 24, 2005), victim statements, and confidential correspondence to the Parole Board; and the Court noting that N.J. Admin. Code § 10A:22-2.7(d) prohibits the disclosure of mental health records generated by professional staff that could compromise the safety of that staff or others; and the Court further noting that pre-sentence reports are presumptively confidential and not disclosed, *see* Local Crim. R. 32.1; *State v. DeGeorge*, 274 A.2d 593 (N.J. Super. Ct. App. Div. 1971); and

the Court determining that Petitioner has met its burden under Local Civ. R. 5.3(c)(2); and for good cause appearing;

IT IS on this 25th day of March 2009, hereby,

ORDERED that Petitioner's motion to file confidential documents under seal is **GRANTED**.

/s/ William J. Martini

WILLIAM J. MARTINI, U.S.D.J.